IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 6395 of 2004

Firdos Shakari Griha Nirman Sanstha
Nashik .. Petitioner

versus

Shaikh Ayub Kadir & ors. .. Respondents

...

Mr.Anilkumar Patil fo rthe petitioner.

CORAM : D.G. KARNIK, J

DATED : 16th February 2006.

P.C.:

1. Heard learned counsel for the petitioner.

2. The petitioner is a Co-operative Housing Society and the respondent no.1 is its member. It appears that some loan was granted by the respondent no.2 through the petitioner to the respondent no.1.

3. Alleging that the respondent no.1 has not been repaid the loan in full, the petitioner filed an application us.101 of the Maharashtra Co-operative Societies Act for recovery of the amount against the respondent no.1. That application was dismissed by an order dated 28th August 2002. The petitioner did not challenge the said order in revision and the order has become final qua the petitioner. The respondent no.2 challenged the said order by filing of a revision before the Divisional Joint Registrar. By the impugned order, the Divisional Joint Registrar dismissed the revision. That judgement is impugned in this Writ Petition.

4. In my view, the order rejecting the certificate u/s.101 passed by the Asstt. Registrar on 28th August 2002 became final qua the petitioner as it did not challenge it. The petitioner was obviously not aggrieved by its order as it did not challenge the same. The petitioner cannot therefore, challenge the order passed by Divisional Joint Registrar in revision which was not filed by respondent no.2.

5. For these reasons, petition is rejected.

(D.G. KARNIK, J)